

"UNDER SEAL"

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

FILED
CHARLOTTE, NC

FEB 19 2019

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US DISTRICT COURT
WESTERN DISTRICT OF NC

UNITED STATES OF AMERICA)	Docket No.
)	
v.)	<u>BILL OF INDICTMENT</u>
)	
TEVIN JEROME GAITHER)	Violations:
)	18 U.S.C. § 2
)	18 U.S.C. § 924
)	21 U.S.C. § 841
)	21 U.S.C. § 846
)	
)	<u>UNDER SEAL</u>

THE GRAND JURY CHARGES:

COUNT ONE

(Distribution and Possession with Intent to Distribute Cocaine - Conspiracy)

From in or about August 2017 to on or about the date of this Indictment, in Catawba County, within the Western District of North Carolina, and elsewhere, the defendant,

TEVIN JEROME GAITHER,

did knowingly and intentionally conspire and agree with other persons, known and unknown to the Grand Jury, to distribute and to possess with intent to distribute a controlled substance, that is, a mixture and substance containing a detectable amount of cocaine, and a mixture and substance containing a detectable amount of cocaine base (commonly known as "crack cocaine"), both Schedule II controlled substances, in violation of Title 21, United States Code, Sections 841(a)(1) and 846.

Quantity of Cocaine and Cocaine Base Involved in the Conspiracy

It is further alleged that, with respect to the conspiracy offense charged in Count One, twenty-eight (28) grams or more of a mixture and substance containing a detectable amount of cocaine base (commonly known as "crack cocaine"), and a mixture and substance containing a detectable amount of cocaine, both Schedule II controlled substances, are attributable to, and were reasonably foreseeable by the defendant **Tevin Jerome Gaither**. Accordingly, Title 21, United States Code, Section 841(b)(1)(B) and Title 21, United States Code, Section 841(b)(1)(C) are applicable to **Tevin Jerome Gaither**.

COUNT TWO
(Possess with Intent to Distribute Cocaine)

On or about August 30, 2017, in Catawba County, within the Western District of North Carolina, and elsewhere, the defendant,

TEVIN JEROME GAITHER,

did knowingly and intentionally possess with intent to distribute a controlled substance, that is, a mixture and substance containing a detectable amount of cocaine base, (commonly known as "crack cocaine"), a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), and did aid and abet the same.

All in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C) and Title 18, United States Code, Section 2.

COUNT THREE
(Distribute and Possess with Intent to Distribute Cocaine)

On or about January 12, 2018, in Catawba County, within the Western District of North Carolina, and elsewhere, the defendant,

TEVIN JEROME GAITHER,

did knowingly and intentionally distribute and possess with intent to distribute a controlled substance, that is, a mixture and substance containing a detectable amount of cocaine base (commonly known as "crack cocaine"), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT FOUR
(Possess with Intent to Distribute Cocaine)

On or about May 28, 2018, in Catawba County, within the Western District of North Carolina, and elsewhere, the defendant,

TEVIN JEROME GAITHER,

did knowingly and intentionally possess with intent to distribute a controlled substance, that is, a mixture and substance containing a detectable amount of cocaine base, (commonly known as "crack cocaine"), a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and 841(b)(1)(C).

COUNT FIVE
(Possession of Firearm in Furtherance of a Drug Trafficking Crime)

On or about May 28, 2018, in Catawba County, within the Western District of North Carolina, and elsewhere, the defendant,

TEVIN JEROME GAITHER,

in furtherance of a drug trafficking crime, that is, possession with intent to distribute controlled substances, a violation of Title 21, United States Code, Section 841, as charged in Count Four, for which he may be prosecuted in a court of the United States, did knowingly and unlawfully possess one or more firearms, all in violation of Title 18, United States Code, Section 924(c).

COUNT SIX

(Distribute and Possess with Intent to Distribute Cocaine)

On or about June 04, 2018, in Catawba County, within the Western District of North Carolina, and elsewhere, the defendant,

TEVIN JEROME GAITHER,

did knowingly and intentionally distribute and possess with intent to distribute a controlled substance, that is, a mixture and substance containing a detectable amount of cocaine base, (commonly known as "crack cocaine"), a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and 841(b)(1)(C).

COUNT SEVEN

(Distribute and Possess with Intent to Distribute Cocaine)

On or about June 05, 2018, in Catawba County, within the Western District of North Carolina, and elsewhere, the defendant,

TEVIN JEROME GAITHER,

did knowingly and intentionally distribute and possess with intent to distribute a controlled substance, that is, a mixture and substance containing a detectable amount of cocaine base, (commonly known as "crack cocaine"), a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and 841(b)(1)(C).

COUNT EIGHT
(Possess with Intent to Distribute Cocaine)

On or about June 07, 2018, in Catawba County, within the Western District of North Carolina, and elsewhere, the defendant,

TEVIN JEROME GAITHER,

did knowingly and intentionally possess with intent to distribute a controlled substance, that is, a mixture and substance containing a detectable amount of cocaine and a mixture and substance containing a detectable amount of cocaine base, (commonly known as "crack cocaine"), both Schedule II controlled substances, in violation of Title 21, United States Code, Section 841(a)(1), and 841(b)(1)(C).

COUNT NINE
(Possession of Firearm in Furtherance of a Drug Trafficking Crime)

On or about June 07, 2018, in Catawba County, within the Western District of North Carolina, and elsewhere, the defendant,

TEVIN JEROME GAITHER,

in furtherance of a drug trafficking crime, that is, possession with intent to distribute controlled substances, a violation of Title 21, United States Code, Section 841, as charged in Count Eight, for which he may be prosecuted in a court of the United States, did knowingly and unlawfully possess one or more firearms, all in violation of Title 18, United States Code, Section 924(c).

COUNT TEN

(Possess with Intent to Distribute Cocaine)

On or about August 27, 2018, in Catawba County, within the Western District of North Carolina, and elsewhere, the defendant,

TEVIN JEROME GAITHER,

did knowingly and intentionally possess with intent to distribute a controlled substance, that is, a mixture and substance containing a detectable amount of cocaine and a mixture and substance containing a detectable amount of cocaine base, (commonly known as "crack cocaine"), both Schedule II controlled substances, in violation of Title 21, United States Code, Section 841(a)(1), and 841(b)(1)(C).

COUNT ELEVEN

(Possession of Firearm in Furtherance of a Drug Trafficking Crime)

On or about August 27, 2018, in Catawba County, within the Western District of North Carolina, and elsewhere, the defendant,

TEVIN JEROME GAITHER,

in furtherance of a drug trafficking crime, that is, possession with intent to distribute controlled substances, a violation of Title 21, United States Code, Section 841, as charged in Count Ten, for which he may be prosecuted in a court of the United States, did knowingly and unlawfully possess one or more firearms, all in violation of Title 18, United States Code, Section 924(c).

NOTICE OF FORFEITURE AND FINDING OF PROBABLE CAUSE

Notice is hereby given of 21 U.S.C. § 853, 18 U.S.C. § 924, and 28 U.S.C. § 2461(c). The following property is subject to forfeiture in accordance with Section 853, 924, and/or 2461(c):

- a. All property which constitutes or is derived from proceeds of the violations set forth in this bill of indictment;
- b. All property used or intended to be used in any manner or part to commit or facilitate such violations;
- c. All firearms or ammunition involved or used in such violations; and
- d. If, as set forth in 21 U.S.C. § 853(p), any property described in (a), (b), and (c) cannot be located upon the exercise of due diligence, has been transferred or sold to, or deposited with, a third party, has been placed beyond the jurisdiction of the court, has been substantially diminished in value, or has been commingled with other property which cannot be divided without difficulty, all other property of the defendant/s to the extent of the value of the property described in (a), (b), and (c).

The Grand Jury finds probable cause to believe that the following property is subject to forfeiture on one or more of the grounds stated above:

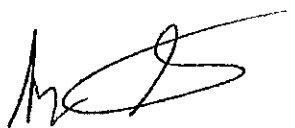
- One (1) extended 31-round Glock magazine, loaded with 31 miscellaneous 9mm bullets, One (1) extended 15-round Glock magazine, loaded with 15-rounds of miscellaneous 9mm bullets, One (1) Glock 19 pistol filled with 14-rounds of ammunition, One (1) 7.62 x 39 caliber Zastava Serbia MDLP rifle, loaded with 8-rounds of ammunition, One (1) box of ammunition containing 30-rifle rounds (7.62 x 39 caliber), One (1) box of Remington ammunition containing 37-rounds of 9MM bullets, One (1) box of Inceptor ammunition containing 20- rounds of 9MM bullets, and One (1) MTECH ballistic knife, seized during the investigation on or about December 17, 2017.
- One (1) Taurus 9mm semi-automatic handgun, black-in-color, seized during the investigation on or about May 28, 2018.
- One (1) black/silver Jimenez Arms semi-automatic .22 caliber firearm, with a magazine containing four (4) .22 caliber rounds, One (1) box of Federal 9MM Ammunition, containing twenty-three (23) 9 MM rounds, One (1) Tulammo box containing numerous rounds of 7.62 caliber ammunition, One (1) gray LG Smart Phone, and approximately \$1,967 in US Currency, seized on or about June 07, 2018.

- One (1) Glock 41, .45 caliber firearm, containing a loaded magazine with .45 caliber bullets, seized during the investigation on or about August 27, 2018.

A TRUE BILL:

FOREPERSON

R. ANDREW MURRAY
UNITED STATES ATTORNEY



SANJEEV BHASKER
ASSISTANT UNITED STATES ATTORNEY